

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

----- X  
TERESA CIPOLLONE AND : No. 10-CV-00175 (RML)  
FRANK CIPOLLONE, :

Plaintiffs, : **CROSS CLAIM**

-against- :

ARAMARK HEALTHCARE SUPPORT  
SERVICES, LLC :

Defendant

----- X  
ARAMARK HEALTHCARE SUPPORT :  
SERVICES, LLC :

Third-Party plaintiff, :

- against - :

STONHARD INC., :

Third-Party Defendant. :

----- X  
STONCOR GROUP, INC. :

Second Third-Party plaintiff, :

- against - :

METRO FLOORS, INC. :

Second Third-Party Defendant. :

----- X

Defendant/Third-Party Plaintiff ARAMARK HEALTHCARE SUPPORT SERVICES,  
LLC, by and through its attorneys, WILSON, ELSEY, MOSKOWITZ, EDELMAN & DICKER,

LLP as and for its cross-claim against Second Third-Party Defendant METRO FLOORS, INC., respectfully alleges, upon information and belief as follows:

1. If and in the event plaintiff sustained the injuries and damages complained of by reason other than the plaintiff's own carelessness, recklessness, negligence and/or acts or omissions or commissions, then such injuries and damages were caused entirely by reason of the wrongful conduct or carelessness, recklessness, negligence and/or acts or omissions or commissions and/or breach of contract of Second Third-Party Defendant METRO FLOORS, INC., there being no active or primary wrongdoing, or negligence on the part of ARAMARK HEALTHCARE SUPPORT SERVICES, LLC, contributing thereto.

2. By reason of the foregoing, the cross-claiming Defendant/Third-Party Plaintiff is entitled to full common law and/or contractual indemnity in the full amount of any recovery herein by the plaintiff or for such proportion thereof caused by METRO FLOORS, INC., and this cross-claiming defendant/third-party plaintiff is entitled to judgment over and against Second Third-Party Defendant METRO FLOORS, INC., for all and any part of any verdict or judgment which plaintiff may recover against ARAMARK HEALTHCARE SUPPORT SERVICES, LLC, as well as any and all attorney's fees, costs and disbursements.

**WHEREFORE**, the Defendant/Third-Party Plaintiff ARAMARK HEALTHCARE SUPPORT SERVICES, LLC, hereby demands judgment dismissing the Complaint of the plaintiff and granting judgment on its cross-claim, together with the costs and disbursements of this action, including, but not limited to, attorneys' fees and, alternatively, demands that any judgment obtained by plaintiff be reduced and apportioned as provided by law and for such other and further relief as this Court determines to be just and proper.

Dated: White Plains, New York  
October 15, 2010

Yours, etc.

WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP

By: 

Joseph P. Wodarski (JW 0557)  
*Attorneys for Defendant/Third-Party  
Plaintiff*  
ARAMARK HEALTHCARE SUPPORT  
SERVICES, LLC  
3 Gannett Drive  
White Plains, NY 10604  
(914) 323-7000  
File No.: 00804.00039

TO: AMEDURI, GALANTE & FRISCIA  
John S. Friscia, Esq.  
*Attorneys for Plaintiffs*  
471 Bement Avenue  
Staten Island, NY 10310  
Tel: (718) 442-9000  
Fax: (718) 273-5219  
File No.: 2726

HERZFELD & RUBIN, P.C.  
Michael B. Sena, Esq.  
*Attorneys for Third-Party Defendant/  
Second Third-Party Plaintiff*  
*Stoncor Group, Inc.*  
125 Broad Street  
New York, NY 10004  
Tel: (212) 471-8527 (direct)  
Fax: (212) 344-3333  
[msena@herzfeld-rubin.com](mailto:msena@herzfeld-rubin.com)

GALLO VITUCCI & KLAR LLP  
Daniel P. Mevorach, Esq.  
*Attorneys for Second Third-Party Defendant*  
*Metro Floors, Inc.*  
90 Broad Street, 3<sup>rd</sup> Floor  
New York, NY 10004  
Tel: (212) 683-7100  
File No.: HV-2010-33

WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP

Attorneys for Defendant/Third-Party Plaintiff

ARAMARK HEALTHCARE SUPPORT SERVICES, LLC

Office and P.O. Address

3 Gannett Drive

White Plains, New York 10604

(914) 323-7000

File No.: 00804.00039

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

----- X  
TERESA CIPOLLONE AND  
FRANK CIPOLLONE,

: No. 10-CV-00175 (RML)

Plaintiffs,

: **CERTIFICATE OF SERVICE**

-against-

ARAMARK HEALTHCARE SUPPORT  
SERVICES, LLC

Defendant

----- X  
ARAMARK HEALTHCARE SUPPORT  
SERVICES, LLC

Third-Party plaintiff,

- against -

STONHARD INC.,

Third-Party Defendant.

----- X  
STONCOR GROUP, INC.

Second Third-Party plaintiff, :

- against -

METRO FLOORS, INC.

Second Third-Party Defendant. :

STATE OF NEW YORK            )  
  ):  
COUNTY OF WESTCHESTER )

**Joseph P. Wodarski**, an attorney duly admitted to practice law before this Court declares pursuant to 28 U.S.C. §1746 and affirms under the penalties of perjury that the following is true and correct:

That on the 18<sup>th</sup> day of October, 2010 I served the following:

**CROSS CLAIM**

Upon:

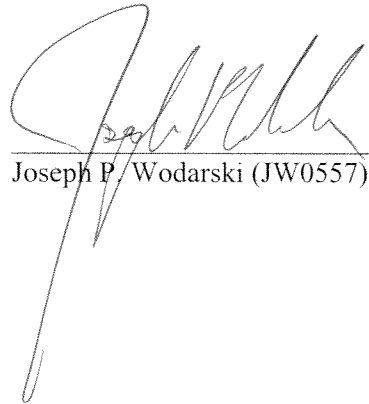
AMEDURI, GALANTE & FRISCIA  
John S. Friscia, Esq.  
*Attorneys for Plaintiffs*  
471 Bement Avenue  
Staten Island, NY 10310  
Tel: (718) 442-9000  
Fax: (718) 273-5219  
File No.: 2726

HERZFELD & RUBIN, P.C.  
Michael B. Sena, Esq.  
*Attorneys for Third-Party Defendant/  
Second Third-Party Plaintiff*  
*Stoncor Group, Inc.*  
125 Broad Street  
New York, NY 10004  
Tel: (212) 471-8527 (direct)  
Fax: (212) 344-3333  
[msena@herzfeld-rubin.com](mailto:msena@herzfeld-rubin.com)

GALLO VITUCCI & KLAR LLP  
Daniel P. Mevorach, Esq.  
*Attorneys for Second Third-Party Defendant*  
*Metro Floors, Inc.*  
90 Broad Street, 3<sup>rd</sup> Floor  
New York, NY 10004  
Tel: (212) 683-7100  
File No.: HV-2010-33

By U.S. Mail and electronically filed with the Clerk of the District Court using its CM/ECF system, which would then electronically notice the following CM/ECF participants in this case:

Dated: White Plains, New York  
October 18, 2010



Joseph P. Wodarski (JW0557)

Index No. 102592/2009

Joseph Wodarski  
00804.00039

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF RICHMOND

---

TERESA CIPOLLONE AND FRANK CIPOLLONE

Plaintiffs,

-against-

ARAMARK HEALTHCARE SUPPORT SERVICES, LLC,

Defendant.

AND OTHER ACTIONS

---

CROSS CLAIM

---

**WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP**

*Attorneys For* Aramark Healthcare Support Services, Inc.

*Office & Post Office Address, Telephone*  
3 GANNETT DRIVE  
WHITE PLAINS, NEW YORK 10604  
(914) 323-7000

---